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This week: Congress seeks to wrap up year with legislative dash

The Hill

December 14, 2015

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Capitol Hill denizens are hoping the next several days will be their last legislative workweek of the year as lawmakers move toward passing a major spending deal to avoid a shutdown.

Time is, once again, running short to meet the new Wednesday deadline to keep the government's lights on. And with Christmas now less than two weeks away, lawmakers face the additional pressure of getting their work done in time to leave Washington for

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Calendar

[Deadline for Congress to Pass an Omnibus Appropriations Bill or CR Funding the Government](#)
December 11

Save the Date:

DOE National Cleanup Workshop
September 14-15, 2016
Hilton Alexandria Mark

the holidays.

The secretive negotiations between top congressional leaders have been moving slowly, but lawmakers are hoping to release the text of the yearlong spending package by Monday after pushing the original deadline back by five days.

However, House GOP aides warned late last week that glacial negotiations over policy riders could result in the measure not being released until possibly Tuesday.

The House could vote Wednesday at the earliest if the catch-all spending bill, known as an omnibus, is made public on Monday in order to meet a rule that all legislation be made public for three calendar days before a vote.

But the House won't have its first votes of the week until Tuesday night — an indication that the omnibus might not be released until as late as possible.

The Senate will likely have less than 24 hours to pass either the omnibus bill or yet another stopgap measure to avoid a government shutdown Wednesday night.

While senior Republican senators were sounding confident they will be able to meet the deadline, Sen. John Cornyn (R-Texas) also warned that leadership would need help from all their members.

"If we have to go through the regular procedures it could take up to eight days, so obviously it's going to take a little cooperation unless people want to spend Christmas here," he told reporters late last week.

Conservative lawmakers, as well as Senate's Republican presidential contenders, are remaining tight-lipped about whether they will support an agreement to speed up votes on the spending bill.

Sen. Jeff Sessions (R-Ala.) previously called on the omnibus to include a provision that would block funding for refugee resettlement until Congress has voted on a plan from the Obama administration.

Asked if he would require the spending bill to go through the Senate's procedural hoops if the language isn't included, he said, "I haven't thought that through."

Center
Alexandria, VA

The spending bill is also expected to be linked to a major package renewing expiring tax credits, with Senate Finance Committee Chairman Orrin Hatch (R-Utah) saying that negotiations would likely extend through the weekend.

"I could live with the two-year program, but I think ... it would really be stupid for the Democrats to not take the full program", Hatch, who has been involved with the talks, said late last week. "I hope we have a larger package. It's good for Democrats. It's good for Republicans."

House Minority Leader Nancy Pelosi (D-Calif.) indicated last week that Republicans may have to pass the tax extenders package without the help of Democrats. Her party has been trying to extend the child tax credit and index it to inflation so that it increases over time, but Republicans have been resisting the idea.

"We don't need to be for it," Pelosi said. "They'll have enough Republican votes supporting their special interest friends to pass this thing in a second."

Trade

A long-awaited customs enforcement measure is headed toward the Senate after easily passing the House on Friday.

The legislation — which comes after months of negotiations between House and Senate lawmakers — includes an overhaul of the U.S. Customs and Border Protection agency, as well as new protections for intellectual property and stronger tools for the government to crackdown on currency manipulation.

House Democrats largely opposed the measure, with Pelosi suggesting negotiators "poisoned" the enforcement legislation.

Sen. Ron Wyden (D-Ore.), however, backed the House-Senate compromise after it was announced last week, saying the lawmakers were "on the verge of passing the strongest package of trade enforcement policies in decades."

Hatch said separately that he expects it to be passed by the Senate this year, leaving senators with a handful of days to send it to the president, who is expected to sign it.

Nominations

The Senate's expected to make a last-minute dash on a handful of

nominations.

Senate Majority Leader Mitch McConnell (R-Ky.) scheduled votes for Monday evening on Alissa Starzak's nomination to be general counsel for the Army, John Conger to be principal deputy undersecretary of Defense, Stephen Welby to be an assistant secretary of Defense and Franklin Parker to be an assistant secretary of the Navy.

The Senate also confirmed a slate of Obama nominees last week, as well as Gayle Smith to be the head of the U.S. Agency for International Development (USAID) late last month.

But top Obama appointments are still in limbo with Senate Minority Leader Harry Reid (D-Nev.) saying that "the Republican majority has confirmed fewer nominations of any Congress in decades."

In addition to the pace of judicial nomination votes, Democrats have also homed in on Adam Szubin to be undersecretary for terrorism and financial crimes at the Treasury Department. Szubin was one of six nominations that Sen. Sherrod Brown (D-Ohio) tried to pass by unanimous consent on the Senate floor, but he was blocked by Sen. Richard Shelby (R-Ala.).

Government medical care a vital resource for sick nuclear workers

Tri-City Herald
December 13, 2015

[LINK](#)

Editor's note: This story is part of a yearlong McClatchy investigation into the deaths of nuclear workers who helped the U.S. win World War II and persevere in the Cold War. Read the entire report — stories, videos, photos, graphics and an interactive database — at bit.ly/nuclearworkers.

A few years after Barbara Sall's husband built their Pasco, Wash., house, the professional carpenter started having trouble with basic skills.

He would measure a board three or four times and still cut it wrong.

Before long, he could not follow conversations, and his family took away his car keys after watching him drive in the wrong lane and

run red lights.

What looked like Alzheimer's was diagnosed as toxic encephalopathy, a neurological disease leading to dementia, when he was in his early 50s. His doctors believe it was caused by his exposure to toxic chemicals while working as a carpenter at the Hanford nuclear reservation.

He was eligible for benefits under the Department of Labor's Energy Employees Occupational Illness Compensation Program. He received about \$250,000 in state and federal payments after being forced to retire early.

But the federal government would pay far more than that in medical care.

That's the real benefit of the federal compensation program for workers made ill by toxic exposures doing federal nuclear weapons work, said Faye Vlieger of Cold War Patriots at a meeting for Hanford workers organized by the nonprofit.

For seven months near the end of his life, Gary Sall had round-the-clock nursing care in his home, plus other expenses, ranging from his medications to his wheelchair. That was followed by 30 days in the hospital as his condition deteriorated and he eventually died in 2011 at age 57.

'Lifetime of coverage'

Medical expenses account for about 40 percent of the compensation paid out by the Energy Employees Occupational Illness Compensation Program Act in the last year.

"It is lifetime medical coverage. No copays. No caps," said Kevin Fitzgerald, vice president of community outreach for Professional Case Management, a Colorado-based company specializing in home care under the federal program.

That's the way it should be, he said.

He compares working at Hanford, where weapons plutonium was made during World War II and the Cold War, to being a veteran. Workers were put in harms way, sometimes without their knowledge, for the protection of the nation.

"They should be compensated like veterans," he said. Of more than \$2 billion paid for medical care by the program,

nearly 28 percent has been paid to home health care providers like Professional Case Management.

It has received payments of almost \$340 million for caring for about 1,600 patients in the program. That's more than \$100 million more than any other medical provider in the program.

The amount includes money for medical supplies, oxygen and therapeutic procedures, with the total paid to Professional Case Management for home health care coming to \$226 million since it served its first patient in the program in 2002.

The company has taken cases to federal court several times, both to protect its business interests and as an interested party in a case to compel the Department of Labor to provide service to those they believed were owed medical care under the EEOIC program.

A class-action lawsuit filed by ill workers or their survivors in 2007 claimed the Department of Labor had engaged in an orchestrated, internal campaign to override doctors' orders for home health services and delay compensation to care providers. A settlement was reached in 2009.

Among the plaintiffs was cancer patient Addison Keaton, 61, whose doctor had ordered skilled nursing services around the clock in his home, in part to manage a risk of hemorrhaging. The Department of Labor took 197 days to consider the request and then agreed to eight hours of nursing care three times per week. In other federal cases, Professional Case Management has sued competitors for allegedly poaching patients and offering free lawn care or other services that could be seen as kickbacks to attract patients.

According to court documents, the company finds people across the country to help them enroll and obtain benefits through the EEOIC program. Once they are enrolled, the company provides the patients with help to complete the paperwork needed to get health care services.

Cold War Patriots

In 2008, the company formed a business-related nonprofit group, Cold War Patriots, to support and advocate for Cold War workers, according to the company.

Cold War Patriots holds events, like the town hall meeting near Hanford this fall. Mostly retired Hanford workers were given

information about how to obtain EEOIC program benefits and make the most of benefits. They were handed information packets that included a flier for Professional Case Management.

“You may be eligible for in-home nursing care provided at no cost to you,” it said. Unlike other home care programs, patients do not have to be homebound to receive care, said the flier.

Former Hanford worker William Phillips, a hot cell operator and engineering technician from 1969 to his retirement in 2004, has a Professional Case Management caseworker regularly come to his home to take his vitals, review his medical information and talk over issues that don’t get covered during doctor’s appointments, he said.

But what he’s most interested in is having home care set up now for when he needs it later.

His diagnoses covered by the EEOIC program include asbestosis, chronic obstructive pulmonary disease and chronic beryllium disease, a lung disease caused by exposure to fine particles of the metal beryllium. He also has peripheral neuropathy and hearing loss caused by chemical exposure.

“For my wife — if things really go south — it allows in-home care,” he said. “It takes the burden off her, and I don’t have to worry.”

William Phillips, former Hanford worker
Tom Peterson, another former Hanford worker with chronic beryllium disease, estimates that his care paid for by the EEOIC program has come to more than \$1 million.

That’s despite having some of his care paid for by Medicare and the Washington State Department of Labor and Industries compensation program. Sometimes he pays medical expenses himself when he’s at risk of having bills denied by the EEOIC program turned over to a collections agency.

Fitzgerald estimates that, depending on the state, EEOIC pays providers 10 percent to 25 percent better than Medicare does. But some health care providers would rather bill Medicare than try to learn the EEOICP program, Peterson said.

‘It can be frustrating’
Lifetime medical may be guaranteed, but collecting on it can be

difficult, said Craig Hall, another former Hanford worker with chronic beryllium disease.

He received the maximum compensation paid by the program, \$400,000. But he would have made more than that and would have accrued more retirement benefits if his lung disease had not forced his retirement from Hanford in 2007 when he was just 55.

He's had debt collectors come after him for two years for medical bills the EEOIC program eventually paid, he said. Imagine what that's like when you "are sicker than a dog," he said.

He has struggled to prove that secondary conditions, like diabetes and congestive heart failure, are conditions caused by his chronic beryllium disease, he said.

"It can be frustrating," Fitzgerald said. "They are sick and they just don't have the energy to go for it."

Don't give up, is his advice. For help, ill workers can contact EEOICP resource centers, including the Hanford Resource Center at 888-654-0014.

DOE's new waste contractor in Oak Ridge faces challenges

Knox News

December 12, 2015

[LINK](#)

OAK RIDGE — A new contractor has taken over management of the U.S. Department of Energy's Transuranic Waste Processing Center, where the nastiest wastes in the Oak Ridge stockpile are processed and prepared for disposal.

North Wind Solutions was awarded the \$123 million contract in June, but the transition of contractors was delayed because three of the other bidders filed protests on the award — two of which were later dropped and the other denied by the Government Accountability Office.

Idaho-based North Wind officially replaced Wastren Advantage Inc., the operating contractor since 2010, on Friday.

The new contractor will face various challenges.

The DOE's Office of Environmental Management wants the Oak Ridge plant to continue processing the radioactive wastes, even

though the nation's disposal facility for long-lived radioactive materials — the Waste Isolation Pilot Plant in New Mexico — has been shut down since February 2014 because of a fire in the underground repository and other safety concerns.

Mark Whitney, the DOE's principal deputy assistant secretary for environmental management, was in town this week and gave the keynote address at a conference in Knoxville. Whitney reaffirmed the New Mexico plant will not resume operations in March, which had been a target date, although the DOE remains hopeful the waste repository will reopen sometime in 2016.

The ongoing uncertainty at the plant is creating uncertainty at Oak Ridge and other DOE sites trying to deal with their backlogs of high-hazard radioactive wastes.

Whitney and Sue Cange, the DOE's cleanup chief in Oak Ridge, visited the waste-processing plant on Wednesday to thank Wastren for its work over the past five years and to welcome North Wind's management team.

Asked about the impacts of the prolonged shutdown at the plant, Cange said Oak Ridge was "in a fortunate position," because there is storage space available at Oak Ridge National Laboratory for some of the processed waste.

However, Oak Ridge did not have any storage containers acceptable for storing the hottest waste — known as remote-handled transuranic waste. In fact, according to Cange, nobody had that type of container, so the DOE and its Oak Ridge contractors came up with a first-of-its-kind design in recent months and hired companies to manufacture the containers.

"Because we can't ship it directly to (the plant) and have to put it in storage, we have to make sure we have proper storage containers for that high-activity waste," Cange said.

Mike Koentop, executive officer of the cleanup program, said the DOE estimates it will need about 240 of the special storage containers. So far, about 90 have been purchased, and nine of them have already been loaded with highly radioactive waste, he said.

After the waste has been processed and packaged, the storage containers are transferred from the Transuranic Waste Processing Center to a storage facility operated by URS-CH2M Oak Ridge, the DOE's cleanup manager in Oak Ridge.

The containers will remain there until the plant reopens and begins accepting radioactive wastes for disposal.

A team of experts — known as the Central Characterization Project — is stationed at the Oak Ridge processing plant to certify that wastes are properly packaged and suitable for disposal at the New Mexico plant.

Asked whether the newly processed wastes will have to be recertified later if they remain in storage for months or longer, Cange said that's unlikely.

"But if certification requirements change (in the wake of the problems at the plant), then we may have to do some additional work," she said. "However, that was a risk I was willing to take because it's important that we continue with our waste-processing campaign and not have delays in our processing of material."

Stakeholders talk cost, impact of Savannah River National Lab venture

Aiken Standard

December

[LINK](#)

It will cost between \$44.4 million and \$83.2 million to build the type of advanced manufacturing center the Savannah River National Lab is envisioning, according to an independent cost review team.

The national lab and Savannah River Nuclear Solutions, or SRNS, announced Tuesday that they were seeking partners interested in developing a large, off-site center that would employ about 110 staffers.

The lab is operated by SRNS, the Savannah River Site's management and operations contractor.

Officials are seeking a 70,000-square-foot facility that could include chemistry labs, engineering fabrication labs, high bay and industrial work space and staff offices.

The hope is to occupy the facility by June 2018 and no later than December 2018.

Will Callicott, the manager of executive communications for the

lab, said the method of construction funding would be up to a potential developer. Funds from the Department of Energy would then be used to lease the facility.

Callicott referenced Tuesday's Federal Business Opportunities announcement, which invited any parties interested in learning more about the center to indicate their interest by Jan. 4, 2016.

After that date, those responding would be invited to an information meeting and, ultimately, a Request for Proposals would be issued, Callicott said. The proposed schedule anticipates a Request for Proposals in early 2016. "A request for proposals lets potential developers indicate how they would meet a particular set of specifications: type of building, location, lease cost, construction cost, construction timeline, etc.," he added.

Will Williams, president and CEO of Economic Development Partnership for Aiken, Edgefield and Saluda counties, has already thrown the group's name in the pot as a potential partner.

"EDP will be investigating and pursuing this opportunity vigorously over the next few months," Williams said. "We are evaluating team arrangements now."

Game-changing

Williams went on to liken the venture to one of Aiken County's other large, anchor companies.

"On a scale, this has the potential to be as impactful to Aiken County as Bridgestone was in 1997," he said.

Across the nation, several of the 17 national labs owned by the Department of Energy have done similar projects.

Those one-building projects have grown to multiple buildings, resulting in a research campus environment and even more jobs, Williams said.

"SRNL has some of the best and brightest researchers and engineers in the world, and to be able to leverage those assets into our manufacturing and business community I believe will have a game-changing impact for Aiken County," he added.

Another sector that will benefit from the center is the youth of the community.

David Jameson, president and CEO of the Greater Aiken Chamber of Commerce, said the center will draw positive attention to Aiken and position the area as a STEM-focused community. STEM is an acronym for education in science, technology, engineering and mathematics.

“The SRNL is already an important player in solving problems for our country; this new initiative will increase its clout and prestige,” Jameson said. “It will attract some of the brightest minds in the world to work here.”

Environmental impact

The potential for the advanced manufacturing center is also being lauded by the S.C. Department of Health and Environmental Control, or SCDHEC, for the environmental management efforts referenced in the announcement.

SRS Manager Jack Craig said chemical processing and advanced manufacturing are critical to the site’s environmental management mission.

Craig said SRNL will be the focal point for leveraging resources to accelerate progress in the legacy cleanup missions.

SCDHEC spokesman Jim Beasley said past innovations have been employed effectively in cleanup across SRS.

“DHEC supports collaborations that lead to innovative and cost-effective cleanup solutions,” Beasley said.

In Southern Ohio, A Nuclear Town Faces A Hazy Future

WYSO

December 12, 2015

[LINK](#)

Norm and Betty Jo Anderson have lived in Piketon, Ohio, a tiny town in the Appalachian foothills, since the 1950s.

It’s a company town, but the major employer is not your average company. It’s actually a Cold War-era uranium enrichment plant that was once a giant federal project, the Portsmouth Gaseous Diffusion Plant. Norm Anderson worked there from the beginning and retired in 1999—he says he had a reputation at work.

“I was called ‘Hard Head,’ because I had my way of doing things,” he says, laughing.

He and Betty Jo, who have been married since they were barely out of high school, sit on their brown plaid living room couch, often holding hands, constantly laughing and talking over each other.

They're serving as my Pike County history experts: Norm remembers the early days of the plant, when tens of thousands of people were on site to build structures that were some of the largest in the world at the time. Betty Jo remembers picking up Norm at work to noise so loud you could feel it in the car in the parking lot.

For Norm, the memory is of the sheer size of the buildings.

"It's hard to tell people of the magnitude of those buildings," he says. The one he worked in had 33 acres to a floor. "And those were concrete floors. Can you imagine pouring 33 acres of concrete?"

But when Norm and Betty Jo talk about the plant, there's a sense of nostalgia bordering on sadness. The plant stopped enriching uranium about 15 years ago (the technology for enrichment has advanced significantly), but almost 2,000 people go to work there every day just cleaning up the site. Now, even some of those cleanup jobs could be in jeopardy.

From "bomb plant" to environmental morass

In the 50s, Piketon and the nearby town of Waverly were boom towns: visiting workers were put up in shacks, and housing went up in rows almost overnight. The plant still employed thousands of people through the 1990s.

The enriched uranium was used for bombs in the early years, then later submarines and power plants—older residents used to call it the "bomb plant," although they never made bombs, just the U-235 used in them.

"We're disassembling it literally piece by piece right now," says Jeff Wagner, the public relations guy for Fluor, the contractor that's running the Portsmouth cleanup.

We stand outside the web of chain link and razor wire that encloses the plant as we talk; in the oldest building inside, there's a Star Trek type control room, with old-school analog gauges covering every wall. I met three guys whose job is to sit there in shifts, 24-7 monitoring for leaks in the old industrial equipment. In the newest

building, equipment is being cleaned and removed, each giant piece wrapped in thick plastic for shipment. Workers wear full hazmat suits, and truckloads of dinosaur-sized equipment leave here daily.

“It goes to a DOE certified disposal site in Nevada,” says Wagner.

“Barrels stacked on the ground at the Portsmouth plant hold hundreds of thousands of tons of unenriched, raw uranium that was never used. Now it's being gradually sold off to help pay for the cleanup.

The Department of Energy oversees the project. On top of the contaminated machinery, the agency is dealing with chemical spills on the land and in the groundwater—the kind that were sort of routine back in the 50s and 60s but are now known to be toxic.

The whole cleanup is expected to take at least until 2042, Wagner says. And, there's the B-word.

“The timeline is really predicated on the budget,” he says. With a work slowdown, it could take until 2054 to get the Portsmouth site cleaned up.

A cleanup that's slowed down

The budget is what Fluor and Ohio's senators have been jostling with the feds about—the money allocated to this cleanup has fluctuated. This summer hundreds of workers at the plant got layoff warnings, and offers of buyouts, because the budget for fiscal year 2016 could go down about \$50 million from the amount spent in the 2015 fiscal year.

This instability is the stuff Pike County's leaders chat about when they gather at the county building for coffee in the mornings.

“I've said it before, they've shook a pork chop in front of a starving dog too long,” says county treasurer Ed Davis, to chuckles. None of these county guys have ever worked for the plant, but they know plant employees make more money than most around here, and spend it in the community.

And they know the pollution on the site, even though it's contained, can scare off developers.

“Now's not the time to be holding back the money,” Davis says.

“Now's the time to be cleaning it up and maybe transform that into

a productive place again.”

“The only thing we can hope for is maybe a nuclear power plant.” Gary Arnett, the head of economic development for the county, takes me in his SUV to show me some of the properties they’re trying to market to businesses. We drive through the rolling hills to one of several abandoned industrial buildings—part of it has recently become a feed store called Rural King, the biggest new employer here.

“There’s almost a million square feet of unoccupied buildings down here,” he says, showing off the warehouse space he’s trying to market to anyone who’ll show interest. But it’s a competitive environment—cities and counties all over the country are vying for the same jobs. “It’s brutal, it really is...we’ve come close. But no cigar.”

He says Pike County needs a big job score—one in four people are living in poverty, and retail and restaurants can’t fix that.

“The only thing we can hope for is maybe a nuclear power plant,” Arnett says.

Nuclear could be coming back; some see nuclear power as a way to address climate change. But the cleanup comes first.

“Everybody we love around here is going to go”

“We knew what we were doing and we knew that we were gonna be using this material to make fuel for bombs,” says Norm “Hard Head” Anderson. He says nuclear’s bad reputation often gave Piketon a bad rap. “That was one of the problems is that a lot of people felt that this place had the same problems and the same dangers as atomic power plants.”

He believes working at the plant was safe (although a recent investigation by the Center for Public Integrity and Slate finds many other former workers don’t agree)—and he’s proud of his work there. He and Betty Jo go each month to a brunch for retirees; she says they’re nostalgic.

“They’re very sad about the plant being not only shut down but tore down. They saw it being built,” she says. “But I guess everybody’s that way about the end of their life and what made them happy. We were very happy living in this house and raising four children within three miles of that plant, never scared of it blowing up. Honestly we may have been stupid but it never entered

our minds. That's the truth."

"And I saw what happened to my hometown," says Norm. He grew up in Oak Hill, Ohio, where brick yards used to be the big business. And he left there for a good job in Piketon as the town began to decline "Now they have no brick yards, they have nothing."

The view from a hill near the Portsmouth Gaseous Diffusion Plant. When its buildings went up in the 1950s, they were some of the largest buildings ever constructed.

Company towns all over, like Norm's hometown, have lost the thing that holds them together. But here's the conundrum for Piketon: if the cleanup slows down because of layoffs, that means a longer time living in this shadow of the Cold War. Something that only operated 45 years could take 50 to get cleaned up. And when the cleanup finishes—hundreds of jobs will be gone forever, with nothing in sight to replace them.

In the 2000s there was some hope that an experimental projecting enriching uranium with new technology on the Portsmouth Plant site would become a permanent fixture, but that project has been put on permanent hold. Ultimately Congress will determine the budget, taking into account the request from DOE, which says it asked for slightly more for fiscal year 2016 than its 2015 request.

Jobs here could also depend on how raw uranium sells on the open market: the project makes some money every year from un-enriched uranium sales, and there are thousands of rusty barrels of that just sitting on the site.

"It's not gonna affect us when that plant is shut down," Betty Jo says. Norm is long since retired, and their four kids long since moved away. "Just everybody we love around here is going to go. And that's sad."

S.C. threatens to sue over delayed plutonium processing

The Post and Courier

December 13, 2015

[LINK](#)

COLUMBIA — South Carolina has put the federal government on notice that it could face a lawsuit and potentially up to \$100 million a year in fines if it doesn't meet goals for reprocessing

weapons-grade plutonium being stored at an unfinished plant near Aiken.

S.C. Attorney General Alan Wilson sent a letter in September to U.S. Department of Energy Secretary Ernest Moniz saying the state was prepared to go to court over delays in completing construction of the Savannah River Site plant, which has held up plutonium reprocessing.

“DOE’s actions over the past few years demonstrate that it does not view these obligations, especially those to South Carolina, as the legally binding requirements they are,” Wilson wrote about missed deadlines and attempts to halt the project.

Wilson did not threaten to try to fine DOE, but under 2003 law, South Carolina could fine the federal government \$1 million a day beginning Jan. 1 up to an annual total of \$100 million.

Wilson has declined to say if he would pursue that course, and a spokesman said it would be “premature and inappropriate” to comment at this time. However, Kevin Bishop, a spokesman for U.S. Sen. Lindsey Graham, R-S.C., said, “South Carolina should pursue all options at its disposal.”

The mixed-oxide fuel fabrication facility, commonly referred to as MOX, remains underfunded, behind schedule and over budget. The plant has until Jan. 1 to reprocess or remove one of the reported 13 metric tons of weapons-grade plutonium on the site.

Eventually, the plant is expected to reprocess 34 metric tons of plutonium.

Wilson has sued the federal government numerous times — over environmental regulations, the Affordable Care Act, Guantanamo Bay detainees and utility fees tied to nuclear waste storage at the stalled Yucca Mountain Nuclear Waste Repository in Nevada.

“Certainly the federal government loves sticking it to us every time we miss a deadline or lose a lawsuit for prison funding or education,” said state Rep. Chip Limehouse, R-Charleston. “It’d be nice if they took a little bit of their own medicine. I would hope the attorney general is moving forward on, basically, sending the bill up to Washington.”

Tom Clements, director of the watchdog group Savannah River Site Watch, said South Carolina has little chance of collecting fines

that were intended to hold DOE's feet to the fire with deadlines for processing plutonium.

"This was just a gimmick by Sen. Graham to mislead the public into thinking the MOX program was moving forward," Clements said about penalties for missed deadlines. "I'm not saying that a lawsuit is not worth pursuing, I just can't see that the state would ever be able to extract the fines from the Department of Energy."

MOX is seen as a major part of securing the SRS' future, Clements said, since the plant hasn't had an active reactor since 1988 and is solely focused on cleanup activities, not research. Some 1,500 jobs are associated with the MOX facility.

Alternatives

Under a 2000 nuclear non-proliferation agreement with Russia, the Cold-War era plutonium is to be reprocessed into commercial-grade nuclear reactor fuel. Russia is also reprocessing 34 metric tons of plutonium.

Since work began on MOX in 2007, costs have reached nearly \$5 billion and it's only 70 percent complete. DOE expects the total cost of finishing the plant could approach \$12 billion.

The project, overseen by the DOE's National Nuclear Security Administration, has consistently failed to meet its milestones due to underfunding, DOE Secretary Moniz said. After touring SRS earlier this year, he said the project needs closer to \$1 billion a year for "decades," otherwise "it will never be finished."

"We are woefully short of the kind of resources that it will take to get this project done in a reasonable time," Moniz told The Augusta Chronicle in June. "The more time we go, the more it costs."

But Aerospace Corp., a nonprofit that operates a federally funded research and development center in California, reported in April that the project could cost as much as \$47.5 billion if funded properly.

Aerospace's report was one of three released this year looking at alternatives to the MOX site. More alternative plans will follow, according to the recently approved annual defense appropriation that designates \$5 million of annual funding toward studying alternatives. Congress is expected to pass the omnibus spending bill soon.

Meanwhile, Graham and fellow South Carolina U.S. Sen. Tim Scott, along with U.S. Rep. Joe Wilson disputed the nonprofit's skyrocketing estimate in a joint statement last spring.

"Having already spent \$4.4 billion on the project to achieve roughly 65 percent completion, we find it difficult to understand how completing and operating the project will cost another \$47.5 billion," they wrote.

The Aerospace report and a group of national laboratory nuclear scientists named the "Red Team" suggest diluting or "down-blending" the plutonium and storing it at a closed underground storage site in New Mexico. While less costly, the option presents multiple regulatory challenges.

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Service on 12/14/2015.